

State of Idaho

Legislative Services Office

Management Report

A communication to the Joint Finance-Appropriations Committee

**STATEMENT OF
FEDERAL LAND PAYMENTS**

Under the Payments in Lieu of Taxes (PILT) Act

OCTOBER 1, 2007 – SEPTEMBER 30, 2008

Report IC86008

Date Issued: February 13, 2009

Serving Idaho's Citizen Legislature



Don H. Berg, Manager

Idaho Legislative Services Office
Legislative Audits Division

STATEMENT OF FEDERAL LAND PAYMENTS (PILT)

SUMMARY

PURPOSE OF MANAGEMENT REPORT

We performed certain limited procedures to compile the data in the accompanying Statement of Federal Land Payments. The intent of these procedures was not to express an opinion, but to provide information on the distribution of federal land payments by the State of Idaho to local units of government as requested by the U.S. Department of the Interior.

CONCLUSION

We did not identify any errors or recommend any adjustments to the amounts distributed by the State of Idaho to local units of government.

FINDINGS AND RECOMMENDATIONS

There are no findings and recommendations in this report or in the prior report.

AGENCY RESPONSE

There were no comments from State officials.

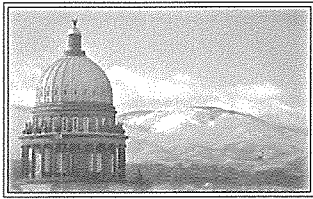
This report is intended solely for the information and use of the State of Idaho and the U.S. Department of the Interior, and is not intended to be used by anyone other than these specified parties.

ASSIGNED STAFF

Chris Farnsworth, CPA, Managing Auditor
Sally Fong, Staff Auditor

TABLE OF CONTENTS

Auditor's Letter	1
State Comments	2
Exhibit I	
Statement of Federal Land Payments	3
Notes to Exhibit I	4
Exhibit II	
Idaho Code § 33-902 - Public School Permanent Endowment Fund	6
Idaho Code § 33-902A - Public School Earnings Reserve Fund	6
Idaho Code § 33-903 - Public School Income Fund	7
Idaho Code § 57-1201 - Distribution of Funds to Counties by State Treasurer	7
Idaho Code § 57-1202 - Deposit of Funds with County Treasurer – Grazing District Treasurer – Warrants Against Fund	8
Idaho Code § 57-1301 - Apportionment of Forest Reserve Funds	8
Idaho Code § 57-1303 - County Apportionment of Forest Reserve Funds	8
Idaho Code § 57-1306 - Mining Leases Impact Funds to County	9
Idaho Code § 57-1307 - Distribution of Revenues	9



Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

Jeff Youtz
Director

February 11, 2009

Honorable C.L. "Butch" Otter
Governor of the State of Idaho
Statehouse Mail

Bill Howell, PILT Specialist
Department of the Interior
Office of Budget
1849 C Street, N.W. MS-4116
Washington, DC 20240

Dear Governor Otter and Mr. Howell:

In compliance with Chapter 69, Title 31 U.S. Code, commonly referred to as the Payments in Lieu of Taxes (PILT) Act, we are furnishing the requested information regarding the distribution of federal land payments by the State of Idaho to local units of government.

The intent of this report is not to express an opinion, but to provide information on the amounts distributed to local units of government as requested by the U.S. Department of the Interior.

We did not identify any errors or recommend any adjustments to the amounts that were distributed by the State of Idaho to local units of government for the period of October 1, 2007 through September 30, 2008.

Should you have any questions regarding the provided information, please contact me.

Sincerely,

Don H. Berg, CGFM, Manager
Legislative Audits Division

STATE COMMENTS

There were no comments from State Officials.

EXHIBIT I

STATEMENT OF FEDERAL LAND PAYMENTS
FEDERAL AGENCY MAKING PAYMENTS AND TYPE OF PAYMENTS
OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008

County	Number	Note 1		Note 1	Note 2	Note 3	Note 4		Note 5	Note 6	Note 7	Note 2	FW Refuge Revenue Sharing	Total	Adjustments	Recommended For Acceptance
		USE/FS FS/MMS Timber & Sec. Schls Title I (Roads part only)	USFS Title III Secure Schools	USFS Bankhead Jones	MMS/BLM Mineral Leasing	BLM Taylor Grazing Section 3	BLM Bankhead Jones	BLM Sales of Material	PERC Power Sales							
Ada	131001001				\$140								\$140			\$140
Adams	131002002	\$445,835	\$19,903										465,738			465,738
Bannock	131003003	16,501			120								16,621			16,621
Bear Lake	131004004	59,919			454								60,373			60,373
Benewah	131005005	59,057			9								59,066			59,066
Bingham	131006006				406								406			406
Blaine	131007007	61,781	15,575		226								77,582			77,582
Boise	131008008	870,011			8								870,019			870,019
Bonner	131009009	784,898											784,898			784,898
Bonneville	131010010	94,213	4,750		423								99,386			99,386
Boundary	131011011	880,415	33,293										913,708			913,708
Butte	131012012	21,578											21,578			21,578
Camas	131013013	48,129											48,129			48,129
Canyon	131014014				27								27			27
Caribou	131015015	66,726			118,330								185,056			185,056
Cassia	131016016	4,322			76								4,398			4,398
Clark	131017017	86,250	4,349		128								90,727			90,727
Clearwater	131018018	509,877	12,934		259								523,070			523,070
Custer	131019019	49,739	7,728										57,467			57,467
Elmore	131020020		165,676		947								166,623			166,623
Franklin	131021021	43,444											43,444			43,444
Fremont	131022022	119,739	25,658		68								145,397			145,397
Gem	131023023	60,882											60,950			60,950
Gooding	131024024												0			0
Idaho	131025025	1,148,635	78,748		284								1,227,667			1,227,667
Jefferson	131026026				25								25			25
Jerome	131027027				17								17			17
Kootenai	131028028		161,693										161,693			161,693
Latah	131029029		16,577		31								16,608			16,608
Lemhi	131030030	347,613	24,830										372,443			372,443
Lewis	131031031												0			0
Lincoln	131032032				89								89			89
Madison	131033033	11,787			6								11,793			11,793
Minidoka	131034034												0			0
Nez Perce	131035035	1,511			39								1,511			1,511
Oneida	131036036	17,453			327								17,492			17,492
Owyhee	131037037				54								327			327
Payette	131038038				2								54			54
Power	131039039				205								2			2
Shoshone	131040040	2,493,979	32,602										2,526,786			2,526,786
Teton	131041041	25,009			38								25,009			25,009
Twin Falls	131042042				7								38			38
Valley	131043043	1,907,384	48,085										1,955,476			1,955,476
Washington	131044044	114,957	5,796										120,753			120,753
Total		\$10,351,644	\$658,197	\$0	\$122,745	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$11,132,586	\$0	\$0	\$11,132,586

NOTES TO EXHIBIT I

NOTE 1. NATIONAL FORESTS

Receipts from national forests in FFY 2008 totaled \$24,329,225 for Title I, Title II, and Title III projects. Receipts for Title I (\$20,587,530) are split 70% (\$14,411,271) to highway districts and 30% (\$6,176,259) to school districts. The receipts to highway districts are further split, in accordance with Idaho Code, Section 57-1303, between county highway districts (\$10,351,644) and independent districts (\$4,059,627). Receipts for Title III were \$658,198. Funds for Title II projects (\$3,083,497) are not received by the State Treasurer.

NOTE 2. USFS BANKHEAD JONES AND FISH AND WILDLIFE REFUGE REVENUE SHARING

These federal payments are made directly to Idaho's county governments. During FFY 2008, \$2,577 was paid under USFS Bankhead Jones, and \$202 was paid under the Fish and Wildlife Refuge Revenue Sharing. To the best of our knowledge, there is no State law specifying how USFS Bankhead Jones and Fish and Wildlife payments are to be spent by the counties.

NOTE 3. MINERAL LEASING

The federal payment schedule provided by the U.S. Department of Interior reported \$1,200,908 in mineral lease funds. The Idaho State Treasurer's Office reported receipts of \$1,200,908 in mineral leasing, plus an additional \$844 in National Forest and \$23,983 in late interest which totals \$1,225,735.

Pursuant to Idaho Code, Section 57-1306, 90% of these receipts is distributed to the Public School Income Fund. The other 10% is distributed to the general fund of the counties where the revenue was generated. The following reconciliation shows the distribution for FFY 2008.

Payment per Federal Schedule and State Treasurer Documents	\$1,200,908
Add: National Forest	844
Interest Earned	23,983
Total Received by Treasurer in FFY 2008	<u>\$1,225,735</u>
Add: FFY 07 Receipts Distributed in FFY 2008	11,070
Less: Current Year Receipts to be Distributed in FFY 2009	<u>(9,261)</u>
Total Distributed in FFY 2008	<u>\$1,227,544</u>
90% for Public Schools	\$1,080,817
Add: Interest not Subject to 90% Split	23,983
Less: Interest Received in FFY 2008, Distributed in FFY 2009	<u>0</u>
Total Public Schools	\$1,104,800
10% for Counties	120,935
Add: FFY 07 Payments Made in FFY 2008	11,070
Less: FFY 08 Payment Made in FFY 2009	<u>(9,261)</u>
Total Counties	<u>\$122,744</u>
Total Distributions for FFY 2008	<u>\$1,227,544</u>

NOTE 4. TAYLOR GRAZING, SECTIONS 3 AND 15

This money is deposited by the State Treasurer's Office and then transmitted to the counties for deposit to the grazing districts pursuant to Idaho Code, Section 57-1201. According to the U.S. Comptroller General's opinion, the grazing districts are single-purpose districts, therefore the funds are not reported in Exhibit I of this report. The total amount transmitted to the county grazing districts in FFY 2008 was \$206,240 from the November 27, 2007 federal distribution.

NOTE 5. BUREAU OF LAND MANAGEMENT BANKHEAD JONES

The State does not receive payments under this law.

NOTE 6. BUREAU OF LAND MANAGEMENT SALE OF MATERIALS

This money is deposited to the State Public School Endowment Fund, pursuant to Idaho Code, Section 33-902. The amount received in FFY 2008 was \$60,515.

NOTE 7. FEDERAL ENERGY REGULATORY COMMISSION (FERC) POWER SALES

This money is deposited by the State Treasurer's Office into the State's General Fund. No specific State or federal statutes govern the disposition of these funds. FERC power sale funds received for FFY 2008 totaled \$200,961.

This amount agrees to that shown on Enclosure 2 of the Payment in Lieu of Taxes package, entitled "Prior Year Payments Received by State and Local Governments During the Period October 1, 2007 through September 30, 2008."

EXHIBIT II

Following are the Idaho Code statutes related to the receipt and disbursement of federal land payments in the State of Idaho.

33-902. PUBLIC SCHOOL PERMANENT ENDOWMENT FUND

(1) There is established in the state treasury the public school permanent endowment fund. This fund is perpetually appropriated for the beneficiaries of the endowment. The fund shall be managed and invested by the endowment fund investment board according to law and the policies established by the state board of land commissioners. The fund principal shall forever remain intact. The fund shall be a permanent fund and shall consist of the following:

(a) Proceeds from the sale of lands granted to the state by the federal government, known as public school endowment lands, and lands granted in lieu of public school endowment school lands;

(b) Lands, money or other property acquired by gift or grant from any person or corporation or under any law or grant of the federal government for general educational purposes;

(c) All other grants of lands or money made to the state from the federal government for general educational purposes where no other purpose is indicated in the grant;

(d) All estates or distributive shares of estates that may escheat to the state;

(e) All unclaimed shares and dividends of any corporation incorporated under the laws of the state;

(f) Proceeds of royalties arising from the extraction of minerals on public school land owned by the state;

(g) Other proceeds and avails as are required by law of the federal government or of the state of Idaho to be made a part of the fund; and

(h) Moneys allocated from the public school earnings reserve fund.

(2) Public school endowment land sale proceeds may be deposited into the land bank fund established in section 58-133, Idaho Code, to be used to acquire other lands within the state for the benefit of the endowment beneficiaries. If proceeds from the sale of public school endowment lands are not used to acquire other lands in accordance with section 58-133, Idaho Code, the proceeds from the sale shall be deposited into the public school permanent endowment fund along with any earnings on the proceeds.

(3) Earnings from the investment of the public school permanent endowment fund shall be distributed according to the provisions of section 57-723A, Idaho Code.

33-902A. PUBLIC SCHOOL EARNINGS RESERVE FUND

(1) There is established in the state treasury the public school earnings reserve fund. The fund shall be managed and invested by the endowment fund investment board according to law and the policies established by the state board of land commissioners. The public school earnings reserve fund shall consist of the following:

(a) All earnings of the public school permanent endowment fund;

(b) Proceeds of the sale of timber on public school endowment lands;

(c) Proceeds of leases of public school endowment lands;

(d) Proceeds of interest charged upon deferred payments on public school endowment lands or timber on those lands;

- (e) Earnings on contracts for the sale of timber and the sale of lands related to the public school endowment; and
 - (f) All other proceeds received from the use of public school endowment lands and not otherwise designated for deposit in the public school permanent endowment fund.
- (2) Moneys shall be distributed out of the public school earnings reserve fund only to support the beneficiaries of the public school endowment, including distributions by the state board of land commissioners to the public school permanent endowment fund and the public school income fund; provided, that funds shall not be appropriated by the legislature from the public school earnings reserve fund except to pay for administrative costs incurred managing the assets of the public school endowment including, but not limited to, real property and monetary assets.

33-903. PUBLIC SCHOOL INCOME FUND

- (1) The public school income fund is that fund in the treasury of the state of Idaho to which are credited the following:
- (a) Moneys distributed from the public school earnings reserve fund and other sources the legislature deems appropriate;
 - (b) Proceeds of all state taxes levied for public school purposes;
 - (c) Grants of moneys from the federal government for public school purposes when other disposition is not specified by law;
 - (d) Ninety percent (90%) of any moneys received by any department of state government from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands;
 - (e) Legislative appropriations in support of the public schools, and other moneys required by the law of the federal government or of the state of Idaho to be made a part of and credited to the fund.
- (2) Earnings on the investment of idle moneys in the public school income fund shall be paid to the public school income fund.
- (3) Moneys in the public school income fund shall be used for the benefit of beneficiaries of the public school endowment and distributed to current beneficiaries of the public school endowment pursuant to legislative appropriation.

57-1201. DISTRIBUTION OF FUNDS TO COUNTIES BY THE STATE TREASURER

All funds received by the state of Idaho, as its distributive share of the amounts collected by the United States Government under the provisions of the Congress of June 28, 1934 (48 Stat. 1269) known as the Taylor Grazing Act, and any act amendatory thereof, shall be deposited with the state treasurer. Upon receipt of said money, the state treasurer shall distribute the same to the several counties of the state in which grazing districts, or lands producing such moneys are located, by warrant drawn on the state treasurer. The state treasurer, shall, upon the date this act becomes effective, and annually thereafter, ascertain from the proper United States officers having the records of receipt from grazing permits, the amount of receipts from such sources in the state of Idaho for each year for which money is received by the state of Idaho, keep a separate account of the sums received from lands producing such moneys, and apportion the distributive shares of the same among the several counties in which said grazing district is located; and if any such grazing district lies in more than one county of the state, each such county shall receive such proportionate amount of said sum as the area of said grazing district included within the boundary of such county shall bear to the total area of such grazing district.

57-1202. DEPOSIT OF FUNDS WITH COUNTY TREASURER – GRAZING DISTRICT TREASURER – WARRANTS AGAINST FUND

All money paid to the county or counties in which such grazing district lies, shall be deposited with the county treasurer. The grazing district board of advisors may appoint a grazing district treasurer and the board shall give notice, in writing, to the county treasurer of the appointment. The grazing district board of advisors shall require a bond of the grazing district treasurer and may pay for the same from the fund of the grazing district. The county treasurer shall then pay over to the grazing district treasurer all funds accruing to the grazing district, from time to time, as the county treasurer receives such funds. After payments of the funds to the grazing district treasurer by the county treasurer, the grazing district and the grazing district treasurer shall be liable for such funds and all liability on the part of the state or county or county treasurer shall cease at that time. The grazing district treasurer shall deposit all such funds in a public depository, and shall expend such funds as provided for by law, and shall pay such funds out by checks signed by both the chairman of the board of the district advisors of the district and the district treasurer. In the event the grazing district board of advisors does not appoint a grazing district treasurer the county treasurer of any county in which a grazing district may be located, either in whole, or in part, shall be the ex officio district treasurer of any grazing district located in whole or in part within such county, and shall be liable upon his official bond for all money deposited in fund designated for that purpose. The county treasurer, as ex officio grazing district treasurer shall pay out such money in said fund upon the warrant of the grazing district located in whole, or in part, in his county, signed by the chairman of the board of district advisors of such grazing district and countersigned by the vice chairman. All moneys paid to any county having lands producing such moneys and not within a grazing district, shall be deposited with the county treasurer in a special fund to be known as "Range Improvement Fund" and expended by the board of county commissioners upon warrants for range improvements and maintenance, predatory animal control, rodent control, poisonous or noxious weed extermination or for any similar purpose in cooperation with the federal government or local livestock men's organizations.

57-1301. APPORTIONMENT OF FOREST RESERVE FUNDS

It shall be the duty of the state treasurer to receive any and all moneys paid or offered to be paid to him as such treasurer by the treasurer of the United States on account of the moneys received from such forest reserves, under and by virtue of the Act of Congress of June 30, 1906, and to keep a separate account of the sums received from each reserve, and to apportion the distributive shares of the same among the several counties in which such forest reserves are situated in proportion to the area of such reserve in such county, and to pay the same over to the several county treasurers of such counties as soon after the same is received as such apportionment can be made.

57-1303. COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS

The auditor of each county receiving a portion of this fund shall within ten (10) days of receipt of this money allot and distribute seventy percent (70%) of this money to the county general road fund and to the treasurer of the highway districts and good road districts in the county in proportion to the mileage of each within the county, to be expended for the construction and repair of roads and bridges, and thirty percent (30%) to the various school districts and joint county school districts within the county in proportion to the number of pupils in average daily attendance in each district in the year immediately prior to this distribution. The distribution of such moneys to the respective school districts entitled thereto shall be in addition to and without regard to any assistance to such school districts from any and all other sources in maintaining the minimum educational program and minimum transportation program.

57-1306. MINING LEASES IMPACT FUNDS TO COUNTY

(1) Upon receipt of any moneys from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands of the federal government, the state treasurer shall remit ten percent (10%) of such receipts to the general fund of the several counties from which the resources were extracted. The state treasurer shall compute a particular county's share of such receipts by computing the proportion of the moneys generated by sales, royalties, bonuses or rentals of federal lands situated within that particular county to the total of moneys received from the federal government from sales, royalties, bonuses or rentals of all oil, gas or mineral lands of the federal government within the state of Idaho for the same period. The moneys remitted to the various counties according to the provisions of this section shall be used for the construction and maintenance of public roads or for the support of public schools.

(2) The remaining ninety percent (90%) of any moneys received from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands of the federal government shall be deposited into the public school income fund, pursuant to the provisions of section 33-903, Idaho Code.

57-1307. DISTRIBUTION OF REVENUES

All moneys received by the state treasurer under the provisions of chapter 12 and chapter 13, title 57, Idaho Code, for transmittal to other units or departments of government shall be expeditiously paid to the units or departments as soon as distribution information is received from the appropriate agency of the federal government. To accomplish expeditious payment the division of financial management and the state controller shall immediately carry out their duties.

If a payment under the provisions of chapter 12 or chapter 13, title 57, Idaho Code, has been made in error to other units or departments due to erroneous information received from the appropriate agency of the federal government or due to any other reason, the state treasurer shall either make the necessary adjustments in the next distribution to said units or department, or shall expeditiously demand refunds from those units or departments which were overpaid and such units or departments shall pay such refunds expeditiously to the state treasurer.